

## REMARKS

### I. Status of Claims

Claims 3-11 remain pending in the application.

In the Office Action, the Examiner rejected claims 3-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0106202 to Hunter in view of U.S. Publication No. 2003/0008662 to Stern et al. ("Stern"), in further view of U.S. Patent No. 7,079,656 to Menzel et al. ("Menzel").

### II. Rejection under 35 U.S.C. § 103(a)

With respect to independent claims 3 and 8, the combination of Hunter, Stern and Menzel does not disclose or teach a cipher apparatus receiving information from the portable terminal, establishing a secret code, and transmitting data being enciphered comprising the secret code by using information of the portable terminal; the portable terminal receiving the enciphered data and stopping an operation of the camera; and the cipher apparatus receiving information reporting a locked state of the camera, and storing and displaying the secret code and a telephone number of the portable terminal, as claimed.

Hunter discloses portable cameras that receive signals from transmitters that cause one or more functions of the camera to be controlled accordingly. In response to receipt of the transmitted signal, the camera may be arranged to disable one or more functions of the camera. There is nothing in Hunter that discloses or teaches that the portable camera receives **enciphered data**.

The Examiner also acknowledges that Hunter does not teach the cipher apparatus receiving information from the portable terminal, establishing a secret code, and transmitting enciphered data; and the cipher apparatus receiving information reporting a locked state of the

camera, and storing and displaying the secret code and a telephone number of the portable terminal.

To cure the deficiencies of Hunter, the Examiner relies on Stern for teaching a location policy server receiving information from a portable device and determining a policy for a mobile device based on location information and device information, by referencing Figure 3, blocks 304 and 306, paragraphs [0053]-[0056], [0058] and [0059] of Stern; determining whether the mobile device is adhering to the policy given to the mobile device, by referencing Figure 13, blocks 1304, 1306, 1310, and paragraphs [0060], [0082]-[0084] and [0104]-[0108] of Stern; and displaying pertinent information, by referencing Figures 5-7 and paragraphs [0073]-[0075] of Stern.

Stern discloses a mobile user device that operates in accordance with a location policy and user device information. The location policy refers to a rule or other type of information referring to the operation of a mobile user device within proximity to a location device. A location device may evaluate user device information and transmit an appropriate location policy to a mobile user device. Also, the location device may simply determine whether or not a location policy will be applied based on the user device information. *See* paragraphs [0052]-[0059]. The mobile user device also operates in accordance with a device policy. Information about the device policy is received from the wireless communication device. The device policy is then compared with the location policy. If the location policy is compatible with the device policy, then information is transmitted to arrange for the wireless communication device to communicate in accordance with the location policy and the device policy. *See* paragraphs [0105]-[0107].

The location device determining a **location policy and device policy** of Stern is not analogous to a **cipher apparatus establishing a secret code and transmitting data being enciphered comprising the secret code** by using information of the portable terminal.

Moreover, there is nothing in Stern that discloses or teaches a **cipher apparatus that receives information reporting a locked state of a camera, and storing and displaying the secret code.**

The Examiner acknowledges that Stern does not teach a portable device that sends a secret code to the cipher apparatus and the cipher apparatus producing enciphered data to be transmitted to the portable device. To cure the deficiencies of Hunter and Stern, the Examiner relies on Menzel for teaching a mobile device and a base station that exchange public keys, by referencing col. 2, lines 7-19 and col. 2, lines 48-58 of Menzel, and encrypting the data using the exchanged public keys in subsequent communications, by referencing col. 2, lines 9-19, and col. 2, lines 51-58 of Menzel.

Menzel discloses a method of allocating a radio channel for transmission of information via a radio interface from and to at least one base station of an access network, mutually transmitting public keys between a mobile station and a base station via the radio interface, encrypting subsequent information to be transmitted via the radio interface using one of the public keys received by the base station or the mobile station, and deciphering encrypted information received by the mobile station or the base station on the basis of a private key that is allocated to the transmitted public key in the mobile station or in the base station. See col. 2, lines 4-19. Menzel further discloses that the public keys received by the base station or mobile station is employed for the encryption of information to be subsequently transmitted via the radio interface, and the encrypted information received by the mobile station or the base station can be deciphered on the basis of a private key that is allocated in the mobile station or in the base station that the public key was transmitted. The public keys in Menzel are transmitted in alternation between the base station and mobile station that can be used in parallel by a plurality of subscribers. There is nothing in Menzel that discloses or teaches a **cipher apparatus** (not a base station or mobile station) that receives information from a portable terminal, **establishes a secret code**, and transmits data

being enciphered that **comprises the secret code by using information of the portable terminal**. Menzel does not transmit public keys based on information of a portable terminal. Moreover, there is nothing in Menzel that discloses or teaches **a cipher apparatus** that receives information **reporting a locked state of a camera**, and **storing and displaying the secret code** of the portable terminal. Likewise, Hunter and Stern do not supply the at least above-noted deficiencies of Menzel.

Applicants respectfully submit that there is no motivation for combining Hunter, Stern and Menzel because there is nothing in the references that disclose or teach a cipher apparatus that establishes a secret code, transmits data being enciphered comprising the secret code by using information of the portable terminal, receives information reporting a locked state of a camera, and stores and displays the secret code.

In view of the above arguments, claims 3 and 8 would not have been obvious from any reasonable combination of Hunter, Stern and Menzel at least for reasons noted above. Therefore, the rejections of claims 1 and 8, as well as dependent claims 4-7 and 9-11, which incorporates all of the limitations of their respective base claims 3 and 8, should be withdrawn based on the above arguments.

**CONCLUSION**

Applicants submit that the above arguments are fully responsive to the Office Action dated November 5, 2007 and respectfully requests the asserted grounds of rejections be withdrawn based on such arguments.

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Demetra Smith-Stewart", written in a cursive style.

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